

# **EXHIBIT A**

1 - JENNIFER BURDIS -

2 IN THE UNITED STATES DISTRICT COURT  
3 FOR THE SOUTHERN DISTRICT OF NEW YORK

4 ----- X  
ULKU ROWE,

5 Plaintiff,

6 Case No.  
19 Civ. 08655 (LGS) (GWG)

7 v.

8 GOOGLE LLC

9 Defendant.

10 ----- X  
11 DATE: December 9, 2020  
12 TIME: 11:37 a.m.

13  
14 VIDEOTAPED VIDEOCONFERENCE DEPOSITION  
15 OF JENNIFER BURDIS, held via Zoom, pursuant to  
16 Notice, before Hope Menaker, a Shorthand Reporter  
17 and Notary Public of the State of New York.

18  
19  Plaintiff's Designations  
20  Defendant's Designations  
21  Plaintiff's Counter Designations  
22  Defendant's Counter Designations  
23  
24  
25

1 - JENNIFER BURDIS -

2 just let me know.

3                   A.        If you could read it out again, that  
4                   would be helpful.

5 Q. Sure. "As of October 2019, all  
6 interviews scheduled will be assigned a proposed  
7 level." Do you see that?

8 A. I do, yes.

9                   Q.        So at the time that you were  
10                   recruiting the technical directors, you were not  
11                   required to assign an initial level before the  
12                   interviews; is that correct?

13 MR. GAGE: Objection.

14 A. I don't recall if there was  
15 guidelines prior to this document coming out.

16 Q. Okay. Do you recall the policy  
17 changing at any point?

18 A. I do not.

19 Q. Okay. You can put that aside.

17 20 I'm going to be the adding another  
18 document into the Box. This is going to be Tab  
19  
20 21 164 and we're going to mark this as Exhibit 137.  
21  
22 23 Do you have that up?

24 A. I'm just refreshing.

25 Yes, I have it up.

Def. Obj.  
37:20-38:7  
FRE 401  
(relevance)  
FRE 403  
(prejudice)  
FRE 602  
(lacks foundation)

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2 Q. Okay. Have you seen this document  
3 before?

4 Oh, sorry, one second. Before you  
5 answer that, we're going to be marking this as  
6 Exhibit 137. This document has the Bates stamp  
7 GOOG-ROWE-00052153.

8 (Whereupon, Exhibit 137 was marked at  
9 this time.)

10 Q. Have you seen this document before?

11 A. No.

12 Q. Okay. Do you understand that this  
13 document relates to leveling at Google?

14 MR. GAGE: Objection.

15 A. I would assume based on the title.

16 Q. Okay. So looking at the first  
17 paragraph it says, "A level refers to the scope  
18 and complexities within a role and is defined by  
19 the knowledge, skills, and abilities that a  
20 Googler needs to perform well."

21 Was this your understanding of a  
22 level at the time that you were hiring for the  
23 technical director role?

24 A. Would you mind repeating those few  
25 lines?

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2 Q. Sure. Are you not able to see it  
3 even if you zoom in?

4           A.        No, it's a blur. I mean, I  
5        could -- if I really looked hard I could probably  
6        muddle through but, I mean, I wouldn't want to get  
7        any words wrong if that would be possible.

8 Q. Have you zoomed into like the largest  
9 zoom?

10 A. I have. Let's see.

13                   0.           Yes, yes. That would --

14                   A.        That is better.  So, sorry, which  
15                   paragraph were you reading?

19 16 Q. In the first paragraph, the second  
17 line, "A level refers to the scope and complexity  
18 within a role and is defined by the knowledge,  
19 skills, and abilities that a Googler needs to  
20 perform well."

20 21 So my question is: At the time that  
22 you were recruiting for the technical director  
23 role, was your understanding that the level  
24 referred to the scope and complexity of the role?

25 A. Yes.

Def. Obj.  
39:16-40:8  
FRE 401  
(relevance)  
FRE 403  
(prejudice)  
FRE 602  
(lacks foundation)

1 - JENNIFER BURDIS -

2 Q. And at the time that you were  
3 recruiting for the technical director position,  
4 was your understanding that the level was defined  
5 by "the knowledge, skills, and abilities that a  
6 Googler needs to perform well"?

7 A. There are a number of factors  
8 considered, yes.

9 Q. Factors aside from the ones mentioned  
10 here?

11 A. Mentioned previously when I explained  
12 what we consider when we look at level.

13 Q. Okay. So -- but can you repeat what  
14 else in addition to what's written here would  
15 be --

16 MR. GAGE: Objection. I'm sorry.

17 Q. -- defining the level?

18 MR. GAGE: Objection, asked and  
19 answered.

20 THE WITNESS: Sorry. I missed what  
21 you said, Ken. Did you ask me not to answer?

22 MR. GAGE: Generally, no. I just  
23 said "objection." You can go ahead and  
24 answer if you understand the question.

25 THE WITNESS: Okay.

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2 decision-making and it wouldn't -- that wouldn't  
3 sway things either way.

22 Q. Okay. So going down on the same  
4 document to the first bullet point it says  
5 "Consistent evaluation for all candidates," do you  
6 see that?

7 A. I do.

8 Q. So it says that, "We assess  
9 candidates against structured rubrics during the  
10 interview process to ensure consistency and reduce  
11 bias when evaluating candidates." So was that  
12 true at the time that you were recruiting for the  
13 technical director's role?

14 A. Just give me a second.

15 Q. Okay.

16 A. Yes.

17 Q. Okay, and which rubrics did you use?

18 A. I don't recall specific documents or  
19 names of documents, but there will be a rubrics  
20 that speaks to the Level 8 process and Level 9  
21 process.

22 Q. Okay. So if you had assessed an  
23 individual at a Level 8 prior to their interview,  
24 that individual would be assessed according to the  
25 Level 8 rubric?

Def. Obj.  
42:4-44:3  
FRE 401  
(relevance)  
FRE 403  
(prejudice)  
FRE 602  
(lacks foundation)

1 [REDACTED] - JENNIFER BURDIS -

2 [REDACTED] A. With consideration --

3 [REDACTED] MR. GAGE: Objection.

4 [REDACTED] Go ahead.

5 [REDACTED] A. With consideration of levels, given  
6 [REDACTED] that this specific job role was spanning two  
7 [REDACTED] levels, the process would include the first levels  
8 [REDACTED] throughout -- it would be inclusive of both Level  
9 [REDACTED] 8s and Level 9s throughout.

10 [REDACTED] Q. So if you had made an initial  
11 [REDACTED] assessment that a candidate was a Level 8, could  
12 [REDACTED] or would -- would the interviewer still look at  
13 [REDACTED] the Level 9 rubric?

14 [REDACTED] A. Yes.

15 [REDACTED] Q. Okay, and were these same rubrics  
16 [REDACTED] used for all candidates in the technical director  
17 [REDACTED] position?

18 [REDACTED] A. Yes.

19 [REDACTED] Q. Okay, and so continuing where we left  
20 [REDACTED] off in the document, it says "While we do take  
21 [REDACTED] prior experience into consideration, we don't rely  
22 [REDACTED] on company names and job titles to understand a  
23 [REDACTED] candidate's capabilities."

24 [REDACTED] Did you understand that to be true at  
25 [REDACTED] the time that you were recruiting for the

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2 technical director position?

3 A. Yes.

4 Q. Okay. As far as you were aware, did  
5 Google -- sorry.

6 Did Google have a policy that the  
7 number of years of work experience dictated the  
8 level that someone would come in at?

9 A. I'm not aware of that policy.

10 Q. So what was your understanding of how  
11 the years of experience of a candidate were  
12 considered under Google's leveling policy?

13 MR. GAGE: Objection.

14 A. They were only guidelines. They were  
15 guidelines.

16 Q. So Google didn't have a policy that  
17 someone with a certain number of years of  
18 experience would automatically come in at a  
19 certain level?

20 A. No.

21 Q. So for any role at Google, someone  
22 with say 17 years of experience could come in as a  
23 Level 9 if they were being hired for a Level 9  
24 role?

25 A. If they met --

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Will where we discussed all candidates in process and that conversation may have taken place verbally.

Q. Okay. I would like us to go back to the Box. I'm adding another document. Give me one second.

Okay. You should see in the Box, Tab 160 and this -- this document has been previously marked as Exhibit 62. Let me know when you have that open.

A. I have that open.

MR. GAGE: You said 1-6-0, Shira?

MS. GELFAND: Tab 1-6-0.

MR. GAGE: Yup, okay.

MS. GELFAND: Okay.

Do you recognize the

Q. Do you recognize this document?

A. There's not -- I may have seen it in  
past, but I don't recall.

Q. Is this part of Google's leveling policy?

A. I would assume so based on the title.

Q. Okay. So the document says, "What the leveling rationale by staffers includes and using the template below, you'll include the

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following in every packet." So Number 1 says,

"The reason the interview rubric level was

chosen." Do you see that?

A. I do.

Q. Did you include this in every packet?

A. I would like to know if this document

was released at the same time as the concerned

policy in August, 2019 because that was a long

time after Ulku's process.

Q. So this policy may not have been in

place at that time?

MR. GAGE: Objection.

#### A. Potentially.

Q. Okay. So my question is for you

whether you included the preinterview rubric level

in every packet at that time.

MR. GAGE: Objection.

A. I don't fully understand the

question. Sorry.

Q. So my, you know, my understanding is

that this policy may not have been in place at the

time that you were recruiting for the technical

director role. So my question for you is whether

or not this policy was in place, whether in every

1 [REDACTED] - JENNIFER BURDIS -

2 Q. So prior to your interview on October  
3 2nd, 2018, had ER contacted you?

4 A. Purely to schedule time with me to  
5 talk in person.

6 Q. Okay, and prior to this interview  
7 with ER, did you have any conversations with  
8 anyone else regarding Ms. Rowe's leveling  
9 concerns?

10 A. No.

11 Q. Okay. So if you scroll to Page 2,  
12 the first kind of big bullet point says "OCTO"  
13 with a question mark and so: Do you recall  
14 telling ER that the main bulk of the hiring you  
15 did was for the Technical Solutions Consultant L 8  
16 and L 9 positions?

17 A. Yes.

18 THE REPORTER: Did you say something,  
19 Mr. Gage?

20 MR. GAGE: I didn't articulate a  
21 word. It was more a sound because I couldn't  
22 find what she was referring to, but go ahead.

23 MS. GELFAND: Okay, I'm on the second  
24 page of in the beginning --

25 MR. GAGE: I was looking for the word

Def. Obj.  
93:11-17  
FRE 801 and 802  
(hearsay)

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2 "bulk." I didn't see it.

3 MS. GELFAND: Okay.

4 MR. GAGE: Oh, there it is. I'm  
5 sorry, go ahead.

6 MS. GELFAND: No problem.

38 7 Q. Do you recall telling ER that some of  
8 the candidates that had come in got down-leveled  
9 to a Level 7?

Def. Obj.  
94:7-12  
FRE 801 and 802  
(hearsay)

10 A. I don't recall the exact conversation  
11 verbatim, but what is written here certainly rings  
12 true to likely how the conversation went, yes.

13 Q. Okay. So who were the individuals  
14 that had been down-leveled to a Level 7?

15 A. I only remember one individual that  
16 was hired into OCTO at Level 7 and her name is J  
17 Bennett.

18 Q. And do you recall why she got  
19 down-leveled?

20 A. She didn't meet the criteria of the  
21 Level 8

22 Q. And what was the criteria for the  
23 Level 8 that she didn't meet?

24 A. I would need to refresh my memory of  
25 Jen's profile. I don't remember it specific

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2 enough to speak to those factors.

3 Q. Okay. Do you recall generally what

4 the criteria was for most Level 8s?

5 A. I mean, outside of what I previously

6 explained in relation to the factors that we

7 consider when assessing level, number of years

8 experience play a part and relevant work

9 experience in a candidate's work history plays a

10 part. For the office of the CTO specifically, the

11 industry vertical where the candidate is a

12 specialist and an expert would also play a part.

13 So the previous roles held also would play a part.

14 Q. Okay, and then if you scroll

15 down -- well, not too far down. It's actually the

16 next line. Do -- did you tell ER that the same

17 leveling factors are used across the board in

18 staffing?

19 A. I don't recall saying that

20 specifically. There are similarities when

21 assessing levels for candidates across the board,

22 but they are guideline-based; and there may be

23 some nuances when looking at certain job families

24 or job ladders that might differ from one to the

25 other.

Def. Obj.  
95:14-25  
FRE 801 and 802  
(hearsay)

1 [REDACTED] - JENNIFER BURDIS -

2 Q. So were the same factors considered  
3 for Levels 8 and 9?

4 A. Yes.

5 Q. Okay, and was there anything  
6 that -- any document that outlined what made  
7 someone a Level 8 technical director versus a  
8 Level 9 technical director?

9 MR. GAGE: Objection.

10 A. I don't recall anything specific  
11 being documented at that time.

12 Q. So was leveling then based on the  
13 subjective assessment of the hiring manager?

14 MR. GAGE: Objection.

15 A. I didn't hear if you said objective  
16 or subjective.

17 Q. I said "subjective."

18 A. You would need to ask Will, as the  
19 hiring manager.

20 Q. So you don't know?

21 A. I don't know.

22 Q. Okay. Do you recall telling ER that  
23 you felt at Google there was a ton of gray areas  
24 between the levels?

25 A. I'm sorry, you're cutting out. I can

Def. Obj.  
96:22-97:9  
FRE 801 and 802  
(hearsay)

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2 only hear every other word.

3 Q. Do you recall telling ER that you

4 felt at Google there was a ton of gray areas

5 between the levels?

6 A. I don't recall using those exact

7 words. I think I would likely refer to what I've

8 mentioned before about the assessment criteria

9 being guideline-based.

10 Q. Okay. Do you recall telling ER that

11 Ms. Rowe put up a huge fight when it came to comp?

12 A. That sounds like something I would

13 have said to them -- said to them, yes.

14 Q. And were you -- when you said that

15 Ms. Rowe put up a huge fight when it came to comp,

16 are you referring to the e-mails we had looked at

17 earlier?

18 MR. GAGE: Objection.

19 A. I can't recall what I was referring

20 to specifically, but my assumption is it would

21 have been based on e-mail communication and

22 telephone conversations and in-person

23 conversations with Ulku.

24 Q. Do you believe these notes are

25 inaccurate in any way?